

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 17-20, 25, 26 and 29-36 are amended, leaving claims 17-36 pending with claims 17 and 35 being independent. No new matter has been added.

### ***Claim Objections***

Claim 35 has been objected to because of a minor informality. Specifically, the Examiner states that in line 16 of the claim, the term "the one of the" should be changed to "one of the" to increase the clarity of the claim language.

Claim 35 has been amended to overcome this objection.

### ***Rejections Under 35 U.S.C. §102(b)***

Claims 35 and 36 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kobayashi et al. (U.S. 4,662,185).

Applicants submit that claims 35 and 36 as now pending are allowable over the cited prior art. Specifically, amended independent claim 35 recites a refrigerating storage cabinet comprising a storing unit configured to store a plurality of cooling characteristics including a target physical amount as a function of operating time, the target physical amount decreasing gradually with lapse of operating time according to the plurality of cooling characteristics and an operation control unit configured to control a compressor by selecting one of a plurality of performance levels based upon a relationship between the current physical amount and the target physical amount corresponding to current operating time.

The cooling characteristics used for providing the time-varying target temperature are conventionally determined based on the volumetric capacity of a heat insulating housing to which the refrigeration unit is attached. That is, different cooling characteristics should be provided for different capacities of heat insulating housings. This may lead to restrictions on conditions for a performance test of the refrigeration unit (*see* paragraph [0005] of the present

application specification).

However, according to the present invention, the cooling characteristics, determined irrespective of the capacity of a heat insulating housing, can be used for the operation control of the refrigeration unit. Thereby, the above restrictions on conditions for a performance test are eliminated (*see* paragraph [0128] of the present application specification).

The prior art fails to disclose or render obvious such a refrigerating storage cabinet. In particular, Kobayashi discloses a temperature presetter 2 that sets a target temperature as a single or fixed target value. However, Kobayashi simply fails to disclose such a target physical amount decreasing with lapse of operating time.

Additionally, Applicants submit that there is no reasoning in the prior art to modify Kobayashi such that it would have rendered claim 35 obvious. Therefore, Applicants submit that claim 35 and its dependent claim are allowable over Kobayashi.

#### ***Rejections Under 35 U.S.C. §103(a)***

Claims 17-23, 25, 26, 28 and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi in view of Stamp Jr. et al. (U.S. 4,328,680).

Applicants submit that these claims are allowable for similar reasons to those set forth above. Specifically, as recited in amended independent claim 17, Kobayashi fails to disclose or render obvious a refrigerating storage cabinet comprising a storing unit configured to store a cooling characteristic including a target physical amount as a function of operating time, the target physical amount decreasing gradually with lapse of operating time according to the cooling characteristic and an operation control unit configured to control the compressor by selecting one of the plurality of performance levels based upon a relationship between the current physical amount and the target physical amount operating time.

Moreover, Stamp fails to overcome the deficiencies of Kobayashi. At best, Stamp discloses a heat pump having successive defrosting operations initiated, controlled and timed by a microprocessor-based controller. However, as with Kobayashi, Stamp fails to disclose or render obvious the target physical amount decreasing with lapse of operating time according to the

cooling characteristic.

Therefore, Applicants submit that independent claim 17 and its dependent claims are allowable over the cited prior art.

Claims 24 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi in view of Longtin (U.S. 5,566,879). Additionally, claim 29 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi and Longtin in view of Okamoto et al. (U.S. 4,959,969). Also, claims 31-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi and Stamp in view of Okamoto.

Applicants submit that since each of these claims is dependent from independent claim 17, and since neither of these references (i.e., Longtin and Okamoto) overcome the deficiencies of Kobayashi and/or Stamp, these references are allowable for the reasons set forth above.

### ***Conclusion***

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Shinichi KAGA et al.

By: \_\_\_\_\_  
/Jeffrey J. Howell/  
2009.08.12 14:33:07 -04'00'

Jeffrey J. Howell  
Registration No. 46,402  
Attorney for Applicants

JJH/kh  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
August 12, 2009